



August 2, 2016

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington DC 20554

Re: Written Ex Parte Communication, MB Docket Nos. 14-50, 09-182, 07-294

Dear Ms. Dortch:

Although the Commission determined more than a decade ago that the print newspaper rule no longer serves the public interest,<sup>1</sup> an FCC fact sheet reports that the broadcast ownership order circulating for vote would make no serious modifications to the rule.<sup>2</sup> In light of this, the National Association of Broadcasters (NAB) is filing for the record the attached information regarding the plight of print newspapers for the Commission's consideration.<sup>3</sup> The attached

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<sup>1</sup> See *Prometheus Radio Project v. FCC*, Nos. 15-3863, 15-3864, 15-3865 & 15-3866, at 38 (3d Cir. May 25, 2016) (*Prometheus III*) ("[T]he 1975 [cross-ownership] ban remains in effect to this day even though the FCC determined more than a decade ago that it is no longer in the public interest. This has come at significant expense to parties that would be able, under some of the less restrictive options being considered by the Commission, to engage in profitable combinations.").

<sup>2</sup> FCC, *Fact Sheet: Updating Media Ownership Rules in the Public Interest* (rel. Jun. 27, 2016).

<sup>3</sup> Since July 6, NAB has filed various articles discussing the challenges faced by print newspapers and the public's increasing reliance on non-print outlets for news and information. See NAB Ex Parte in MB Docket Nos. 14-50, 09-182, 07-294 (filed July 6, 2016) at Attachment, David Glance, "The story of the nosebleed decline of the newspaper industry told in pictures," *The Conversation* (June 5, 2016), available at: <http://theconversation.com/the-story-of-the-nosebleed-decline-of-the-newspaper-industry-told-in-pictures-60530>; NAB Ex Parte in MB Docket Nos. 14-50, 09-182, 07-294 (filed July 7, 2016) at Attachment, Noah Kulwin, "Jeff Bezos is saving the Washington Post, but he won't be able to save newspapers," *recode* (June 28, 2016) available at: <http://www.recode.net/2016/6/28/12050416/jeff-bezos-saving-washington-post-but-not-newspapers>; NAB Ex Parte in MB Docket Nos. 14-50, 09-182, 07-294 (filed July 8, 2016) at Attachment, Erik Sass, "Print Ad Declines: Newspaper, Magazine Revs Fall Again," *Publishers Daily, TheDailyBlog*, (June 27, 2016), available at: <http://www.mediapost.com/publications/article/279073/printaddeclinesnewspapermagazinerevsfalla.html?print>; NAB Ex Parte in MB Docket Nos. 14-50, 09-182, 07-294 (filed July 11, 2016) at Attachment, Athena Cao, "Newspapers' woes linger as digital ad spending, cable network revenues rise," *USA Today*, (June 15, 2016), available at: <http://www.usatoday.com/story/money/2016/06/15/news-media-yahoo-google-twitter-facebook->

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[verizon-tv/85937176/](http://www.verizon.com/verizon-tv/85937176/); NAB Ex Parte in MB Docket Nos. 14-50, 09-182, 07-294 (filed July 12, 2016) at Attachment, Joshua Benton, "Tampa just lost a daily newspaper; is this the continuation of an old trend or the start of a new one?," NiemanLab, (May 4, 2016), available at: <http://www.niemanlab.org/2016/05/tampa-just-lost-a-daily-newspaper-is-this-the-continuation-of-an-old-trend-or-the-start-of-a-new-one/>; NAB Ex Parte in MB Docket Nos. 14-50, 09-182, 07-294 (filed July 13, 2016) at Attachment, Nick Madigan, "An Abrupt End to The Tampa Tribune After a Blow Delivered by Its Rival," The New York Times, (May 20, 2016) available at: <http://nyti.ms/256WgNS>; NAB Ex Parte in MB Docket Nos. 14-50, 09-182, 07-294 (filed July 14, 2016) at Attachment, Patrick Seitz, "Facebook, Google Cash in on Ads as News Media Firms Struggle," Investor's Business Daily (June 15, 2016) available at: <http://www.investors.com/news/technology/click/facebook-google-cash-in-on-ads-as-news-media-firms-struggle/>; NAB Ex Parte in MB Docket Nos. 14-50, 09-182, 07-294 (filed July 15, 2016) at Attachment, Margaret Sullivan, "Face it, Facebook. You're in the News Business," Washington Post (July 10, 2016), available at: [https://www.washingtonpost.com/lifestyle/style/face-it-facebook-youre-in-the-news-business/2016/07/10/cc53cd70-451a-11e6-bc99-7d269f8719b1\\_story.html](https://www.washingtonpost.com/lifestyle/style/face-it-facebook-youre-in-the-news-business/2016/07/10/cc53cd70-451a-11e6-bc99-7d269f8719b1_story.html) ("With the advent of live-streaming options — Facebook Live and Periscope, primarily — their already huge influence in the news universe has taken another stunning leap."); NAB Ex Parte in MB Docket Nos. 14-50, 09-182, 07-294 (filed July 18, 2016) at Attachment, Benny Evangelista, "Americans turning to mobile phones for news, Pew study shows," SFGate.com (July 7, 2016), available at: <http://www.sfgate.com/business/article/Americans-turning-to-mobile-phones-for-news-Pew-8344673.php>; NAB Ex Parte in MB Docket Nos. 14-50, 09-182, 07-294 (filed July 19, 2016) at Attachment, Dan Tynan, "Democracy in Action on Twitter's Live Stream," Consumer Reports (July 16, 2016), available at: <http://www.consumerreports.org/phones-mobile-devices/watch-the-convention-coverage-on-twitters-live-stream/>; NAB Ex Parte in MB Docket Nos. 14-50, 09-182, 07-294 (filed July 20, 2016) at Attachment, Dan Kennedy, "Print Is Dying, Digital Is No Savior: The Long, Ugly Decline of The Newspaper Business Continues Apace," WGBH News, (January 26, 2016), available at: <http://news.wgbh.org/2016/01/26/local-news/print-dying-digital-no-savior-long-ugly-decline-newspaper-business-continues>; NAB Ex Parte in MB Docket Nos. 14-50, 09-182, 07-294 (filed July 21, 2016) at Attachment, David Chavern, "Commentary: FCC Rule Limits Newspapers' Access to Capital, Growth," Philly.com (July 18, 2016), available at: [http://www.philly.com/philly/opinion/20160718\\_Commentary\\_FCC\\_rule\\_limits\\_newspapers\\_access\\_to\\_capital\\_growth.html](http://www.philly.com/philly/opinion/20160718_Commentary_FCC_rule_limits_newspapers_access_to_capital_growth.html); NAB Ex Parte in MB Docket Nos. 14-50, 09-182, 07-294 (filed July 22, 2016) at Attachment, Max Kutner, "As Print Journalism Declines, Fate of Sidewalk Newspaper Boxes is Unclear," Newsweek (Dec. 20, 2015), available at: <http://www.newsweek.com/2016/01/15/decline-newspaper-boxes-407158.html>; NAB Ex Parte in MB Docket Nos. 14-50, 09-182, 07-294 (filed July 25, 2016) at Attachment, Mathew Ingram, "Print readership is still plummeting, and paywalls aren't really helping," Fortune (June 1, 2015), available at: <http://fortune.com/2015/06/01/print-readership-paywalls/>; NAB Ex Parte in MB Docket Nos. 14-50, 09-182, 07-294 (filed July 26, 2016) at Attachment, Rick Edmonds, "Newspaper Industry Lost 3,800 Full Time Professionals in 2014," Poynter.org (July 28, 2015), available at: <http://www.poynter.org/2015/newspaper-industry-lost-3800-full-time-editorial-professionals-in-2014/360633/>; NAB Ex Parte in MB Docket Nos. 14-50, 09-182, 07-294 (filed July 27, 2016) at Attachment, Malathi Nayak and Deborah M. Todd, "Verizon to buy Yahoo's core business for \$4.8 billion in digital ad push," Reuters (July 25, 2016), available at: <http://www.reuters.com/article/us-yahoo-m-a-verizon-idUSKCN1040U9>; NAB Ex Parte in MB Docket Nos. 14-50, 09-182, 07-294 (filed July 28, 2016) at Attachment, Benjamin Mullin, "The New York Times of the future is beginning to take shape," Poynter (May 21, 2016), available at: <http://www.poynter.org/2016/the-new-york-times-of-the-future-is-beginning-to-take-shape/413097/>; NAB Ex Parte in MB Docket Nos. 14-50, 09-182, 07-294 (filed July 29, 2016) at Attachment, Gerry Smith, "The Fading Newspaper," Bloomberg QuickTake (April 19, 2016), available at: <http://www.bloomberg.com/quicktake/the-fading-newspaper>; NAB Ex

article discusses YouTube's role as the "official live-stream provider" for this year's national political conventions, and cites several digital-native media outlets that covered the conventions via this platform.<sup>4</sup> The story highlights the growing role of digital media in coverage of issues of social and political importance.

To the extent that Commission's rationale for restricting print newspaper ownership relates to viewpoint diversity or independent "voices," NAB notes that a newspaper that has closed its doors can no longer provide a viewpoint or serve as a "voice." Retaining a rule that deters investment by broadcasters in the struggling print newspaper industry certainly cannot serve the public interest. Rather, the only result that can rationally be expected from the continued prohibition is to hasten the demise of print newspapers.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rick Kaplan", with a long horizontal line extending to the right.

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Rick Kaplan  
General Counsel and Executive Vice President  
Legal and Regulatory Affairs

Attachment

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Parte in MB Docket Nos. 14-50, 09-182, 07-294 (filed August 1, 2016) at Attachment, Jack Loechner, "Newspaper Revenues Tank Some More," MediaPost (July 22, 2016), available at: <http://www.mediapost.com/publications/article/280499/newspaper-revenues-tank-some-more.html>

<sup>4</sup> Todd Spangler, "YouTube to Live-Stream GOP, Dem Conventions in 360-Degree Video, Facebook to Host Media Lounges," Variety (July 14, 2016), available at: <http://variety.com/2016/digital/news/youtube-facebook-republican-democratic-conventions-1201814474/> (attached hereto).



## ***YouTube to Live-Stream GOP, Dem Conventions in 360-Degree Video, Facebook to Host Media Lounges***



***Todd Spangler***

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via YouTube/Republican National Committee  
July 14, 2016 | 12:31PM PT

The two biggest online-video players, YouTube and Facebook, are diving into the political fray with plans to bring live video feeds from both the 2016 Republican and Democratic national conventions to their platforms.

YouTube is reprising its role as the official live-stream provider of both the Republican National Convention, which runs from July 18-21 in Cleveland, and the Democratic National

Convention, which will take place July 25-28 in Philadelphia. The Google-owned video giant was also the official streamer for the parties' 2012 presidential nominating confabs.

This year, for the first time, YouTube will live-stream the conventions in 360-degree video — which, depending on your political leanings, is either a thrilling or horrifying prospect. YouTube's 360 videos provide a wrap-around perspective users can control with their finger on mobile devices or via a mouse cursor on a computer. The live video also will be available to view in virtual reality via Google Cardboard: Are you ready to see Donald Trump or Hillary Clinton in VR?

Facebook also is looking to bring live video from the GOP and Democratic proceedings onto its service. The company will set up a "lounge" in both convention halls and has invited 22 media orgs, including CNN, Fox News and the New York Times, to use the spaces to broadcast live video, a rep said. In addition, **C-SPAN** plans to use Facebook Live during the conventions from about 8-11 p.m. each night, and Facebook is encouraging convention delegates and individual members of the media to use the service, as well.

Twitter, meanwhile, is teaming with **CBS News** to live-stream coverage from **CBSN**, the company's free broadband-delivered video news service, from both conventions on its platform.

YouTube's RNC coverage will be streamed at [youtube.com/gopconvention](http://youtube.com/gopconvention) and the DNC will be hosted starting July 25 at [youtube.com/demconvention](http://youtube.com/demconvention). The video service also called out several YouTube channels and creators set to cover the conventions on the platform, including the Young Turks, Complex News, Seeker Daily, Ingrid Nilsen, Mark Watson and Julie Borowski.